

REMARKS

This Response to Restriction is filed in response to the Restriction Requirement of July 18, 2005. Claims 1-43 are pending in this application and subjected to an election of species requirement.

Applicant hereby elects with traverse, species II (Figure 4) for examination. The following is a listing of all claims readable on the elected species: claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42 and 43.

The requirement for election is respectfully traversed on the grounds that the various species referred to in the Office Action are simply different embodiments of the present invention. Applicant has presented a generic invention with a generic claim and set forth a number of embodiments falling within the generic invention. It is submitted that all of these embodiments should be examined in a single application. The accompanying Figure A illustrates a concept described in claim 4 (and all claims dependent therefrom), namely, the first light source portion and the second light source portion are respectively formed of separate light sources. Similarly, claim 3 (and all claims dependent therefrom) describes a configuration in which the first light source portion and the second light source portion are realized by separating light from one light source. Thus, all of claims 3-43 share a common characteristic as illustrated in the attached Figure A.

37 C.F.R. § 1.141 points out that distinct inventions may not form a single general inventive concept and may not be claimed in one application. However, the rule states that more than one species of an invention may be specifically claimed in different claims in one application, provided the application also includes an allowable generic claim and all the claims to species in excess of one are written in dependent form or otherwise include all limitations of

Application No.: 10/809,477

the generic claim. It is submitted that is precisely the situation in this application. The requirement for election is improper because this application conforms to 37 C.F.R. 1.141. Hence, the election of species requirement is not well-founded and should be reconsidered and withdrawn. Such action is respectfully requested.

Further, if a generic claim(s) is finally held allowable in the case, then all species falling within generic claim(s) must be allowed in accordance with 37 C.F.R. 1.146.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS:MWE
Facsimile: 202.756.8087
Date: August 18, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**